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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Updated membership criteria for the Trade and Environment Policy Advisory Committee.

AGENCY: Office of the United States Trade Representative

ACTION: Amendment of Membership Criteria

SUMMARY: This notice amends the membership eligibility criteria for the Trade and Environment Policy Advisory Committee (TEPAC) pursuant to the Revised Guidance on the Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, published by the Office of Management and Budget (OMB) on August 13, 2014. Federally-registered lobbyists no longer are prohibited from serving on the TEPAC in a representative capacity in light of OMB's recent policy clarification that the eligibility restriction does not apply to advisory committee members who are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments. The lobbyist prohibition continues to apply to

persons serving on advisory committees in their individual capacity. All other eligibility criteria continue to apply.

DATES: These updated membership criteria are effective immediately.

FOR FURTHER INFORMATION CONTACT: Julia Friedman, Attorney-Advisor for the Office of the U.S. Trade Representative's Office of Intergovernmental Affairs and Public Engagement, at (202) 395-6120.

SUPPLEMENTARY INFORMATION:

Background

Section 135 of the Trade Act of 1974, as amended (19 U.S.C. 2155), established a trade advisory system to ensure that U.S. trade policy and trade negotiation objectives adequately reflect U.S. commercial and economic interests. Section 135(a)(1) directs the President to:

Seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to:

(A) Negotiating objectives and bargaining positions before entering into a trade agreement under [title I of the Trade Act

of 1974 and section 2103 of the Bipartisan Trade Promotion Authority Act of 2002];

(B) The operation of any trade agreement once entered into, including preparation for dispute settlement panel proceedings to which the United States is a party; and

(C) Other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

Section 135(c)(1) of the 1974 Trade Act provides that:

[T]he President may establish individual general policy advisory committees for industry, labor, agriculture, services, investment, defense, and other interests, as appropriate, to provide general policy advice on matters referred to in [Section 135(a)]. Such committees shall, insofar as is practicable, be representative of all industry, labor, agricultural, service, investment, defense, and other interests, respectively, including small business interests, and shall be organized by the United States Trade Representative and the Secretaries of Commerce, Defense, Labor, Agriculture, the Treasury, or other executive departments, as appropriate. The members of such committees shall be appointed by the United States Trade Representative in consultation with such Secretaries.

Functions

The TEPAC was established through Executive Order No. 12905 of March 25, 1994, as amended and extended, to provide the United States Trade Representative with policy advice on issues involving trade and the environment. The TEPAC meets as needed at the call of the United States Trade Representative or his designee depending on various factors such as the level of activity of trade negotiations and the needs of the United States Trade Representative, or at the call of two-thirds of the TEPAC members.

Membership

Members serve without compensation and are responsible for all expenses incurred to attend the meetings. TEPAC members are appointed by the United States Trade Representative.

Appointments are made at the chartering of the TEPAC and periodically throughout the two-year charter term, which ends on September 30, 2015, unless otherwise extended. Members serve at the discretion of the United States Trade Representative.

Members are selected to represent their sponsoring U.S. entity's interests on trade and the environment, and thus nominees are considered foremost based upon their ability to carry out the goals of section 135(c) of the Trade Act of 1974, as amended. Other criteria include the nominee's knowledge of and expertise in international trade issues as relevant to the work of the

TEPAC. While all or almost all TEPAC members represent their sponsoring U.S. entities' interests, it is possible that the United States Trade Representative may appoint members to serve in an individual capacity as subject matter experts.

Appointments to the TEPAC are made without regard to political affiliation with an interest in ensuring balance in terms of sectors, demographics, and other factors relevant to the TEPAC's needs.

Membership Criteria

To be appointed to the TEPAC, the following eligibility criteria must be met:

1. The applicant must be a U.S. citizen.
2. The applicant must not be a full-time employee of a U.S. governmental entity.
3. If serving in an individual capacity, the applicant must not be a federally-registered lobbyist.
4. The applicant must not be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.
5. The applicant must be able to obtain and maintain a security clearance.

6. For representative members, who will comprise the overwhelming majority of the TEPAC, the applicant must represent a U.S. organization whose members (or funders) have a demonstrated interest in issues relevant to trade and the environment or have personal experience or expertise in trade and the environment.

For eligibility purposes, a "U.S. organization" is an organization established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. entity (or entities), determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. To qualify as a U.S. organization, more than 50 percent of the board of directors (or comparable governing body) and more than 50 percent of the membership of the organization to be represented must be U.S. citizens, U.S. organizations, or U.S. entities. Additionally, at least 50 percent of the organization's annual revenue must be attributable to nongovernmental U.S. sources.

7. For members who will serve in an individual capacity, the applicant must possess subject matter expertise regarding international trade and environmental issues.

Applicants who meet the eligibility criteria are considered for membership based on the following factors: ability to represent the sponsoring U.S. entity's or U.S. organization's and its subsector's interests on trade and environmental matters; knowledge of and experience in trade and environmental matters relevant to the work of the TEPAC; and ensuring that the TEPAC is balanced in terms of points of view, demographics, geography, and entity or organization size.

Dated: August 29, 2014.

Jewel James,
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Intergovernmental Affairs and Public Engagement.

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